

BEST AVAILABLE COPY

August 10, 2005
Case No. CR00254M (9640/45)
Serial No.: 09/886,628
Filed: June 21, 2001
Page 8 of 11

REMARKS

In the Non-Final Office Action, Examiner Ahn rejected pending claims 1-6 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application:

- A. Examiner Ahn rejected claims 1, 3, 5 and 6 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,424,681 B1 to *Tellado et al.*

The Applicant has thoroughly considered Examiner Ahn's remarks concerning the patentability of claims 1, 3, 5 and 6 over *Tellado*. The Applicant has also thoroughly read *Tellado*. To warrant this 102(e) rejection of claims 1, 3, 5 and 6, *Tellado* must show each and every limitation of amended independent claim 1 in as complete detail as is contained in amended independent claim 1. See MPEP §2131. The Applicant respectfully traverses this 102(e) rejection of claims 1, 3, 5 and 6, because *Tellado* fails to teach or suggest an "averaging interference in a partially loaded multicarrier system, wherein nulls are transmitted on at least one of the subcarriers during at least one symbol period; and wherein a data symbol is transmitted on at least one of the other subcarriers during the at least one symbol period" as recited in amended independent claim 1, and a "means for averaging interference in a partially loaded multicarrier system, wherein the averaging interference means includes transmitting nulls on selected ones of the subcarriers during a symbol period and transmitting data on the remainder of the subcarriers during the symbol period" as recited in amended independent claim 6.

August 10, 2005
Case No. CR00254M (9640/45)
Serial No.: 09/886,628
Filed: June 21, 2001
Page 9 of 11

BEST AVAILABLE COPY

Withdrawal of the rejection of amended independent claims 1 and 6 under 35 U.S.C. §102(e) as being anticipated by *Tellado* is therefore respectfully requested.

Claims 3 and 5 from amended independent claim 1. Therefore, dependent claims 3 and 5 includes all of the elements of amended independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 3 and 5 are allowable over *Tellado* for at least the same reasons as set forth herein with respect to amended independent claim 1 being allowable over *Tellado*. Therefore, withdrawal of the rejection of dependent claims 3 and 5 under 35 U.S.C. §102(e) as being anticipated by *Tellado* is therefore respectfully requested.

- B. Examiner Ahn rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,424,681 B1 to *Tellado* et al. in view of U.S. Patent No. 6,473,467 B1 to *Wallace*

Claim 2 depends from amended independent claim 1. Therefore, dependent claim 2 includes all of the elements of amended independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claim 2 is allowable over *Tellado* in view of *Wallace* for at least the same reasons as set forth with respect to amended independent claim 1 being allowable over *Tellado*. Therefore, withdrawal of the rejection of dependent claim 2 under 35 U.S.C. §103(a) as being unpatentable over *Tellado* in view of *Wallace* is respectfully requested.

BEST AVAILABLE COPY

August 10, 2005
Case No. CR00254M (9640/45)
Serial No.: 09/886,628
Filed: June 21, 2001
Page 10 of 11

- C. Examiner Ahn rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,424,681 B1 to *Tellado et al.* in view of U.S. Patent No. 6,781,976 B1 to *Sorning*

Claim 4 depends from amended independent claim 1. Therefore, dependent claim 4 includes all of the elements of amended independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claim 4 is allowable over *Tellado* in view of *Sorning* for at least the same reasons as set forth with respect to amended independent claim 1 being allowable over *Tellado*. Therefore, withdrawal of the rejection of dependent claim 4 under 35 U.S.C. §103(a) as being unpatentable over *Tellado* in view of *Sorning* is respectfully requested.

BEST AVAILABLE COPY

August 10, 2005
Case No. CR00254M (9640/45)
Serial No.: 09/886,628
Filed: June 21, 2001
Page 11 of 11

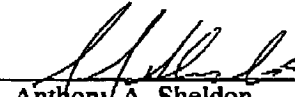
SUMMARY

The Applicant respectfully submits that pending claims 1-6 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Ahn is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: August 10, 2005

Respectfully submitted,
Kevin L. Baum

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113



Anthony A. Sheldon
Registration No. 47,078
Attorney for Applicant